



Flathead City-County Health Department

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February 6, 2007

The Honorable Rick Jore, Chairman
House Education Committee
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

EXHIBIT 11
DATE 2.9.07
HB 465

Dear Representative Jore,

Flathead City-County Health Department respectfully submits this letter in strong **opposition to HB 465** which contains language that would revise the religious and medical exemptions from immunizations involving preschool, school or daycares.

The following points should be considered in your deliberations:

- All fifty states already have medical exemptions to vaccines, such as a serious allergy to a vaccine component. This includes schools, preschools and day care settings.
- Preschools and schools already have a religious exemption under the jurisdiction of School Administrative Rules and Law.
- 45-7-202 describes a penalty for false swearing that is unenforceable as there is no definition of religious tenets and practices.
- Daycare jurisdiction comes under the Child Care Services Licensing Rules whereby in the first sentence it states that the department "shall adopt rules for the protection of children in day-care centers from health hazards of inadequate food preparation, poor nutrition, and communicable diseases."(52-2-735). Vaccines provide protection against communicable diseases.
- 20-5-405 (3) revision wants the child with an exemption excluded only after they are diagnosed with a disease allowing an unprotected child to remain in school after exposure to a communicable disease. The period of communicability for many diseases is prior to the rash onset:
 - Measles is contagious 4 days prior to the rash onset.
 - Chicken pox is contagious 1-2 days prior to rash onset.
 - Pertussis is highly communicable in the early catarrhal stages and at the beginning of the paroxysmal cough stage (first 2 weeks) where this might be confused with a common cold.

It is the mission of the Flathead City-County Health Department to assure the conditions in which people can be healthy through collaboration, promoting stewardship of our resources, and providing preventive health services to our community.

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Vaccine are recommended by the Centers for Disease Control and Prevention (CDC), American Academy of Pediatrics and other professional societies but these organizations can't enforce their recommendations; only states can do that. A recent study published by the Journal of the American Medical Association (JAMA, October 2006) examined the relationship between vaccine exemptions and higher rates of communicable disease in states with more liberal vaccine exemptions.

Dr. Paul A. Offit, director of the Vaccine Education Center and chief of the Infectious Diseases, Children's Hospital of Philadelphia offered these comments in a recent Wall Street Journal about the JAMA study: "When it comes to issues of public health and safety we invariably have laws. Many of these laws are strictly enforced and immutable. For example, we don't allow philosophical exemptions to restraining young children in car seats....." He continued to say that at some point, we are going to be forced to decide whether it is our inalienable right to catch and transmit potentially fatal infections".

This religious exemption would restrict the rights of the parents who immunize their children by increasing the risk of exposure to unimmunized children. It takes time to reach the desired antibody response protection level of 95%: 1st dose-33%, 2nd dose-66% and so on.

The other population affected by this bill would be the children that are immune compromised. This includes children with cancer, organ transplants and autoimmune diseased. In many cases, these children must delay immunizations and would be at extreme risk from the effects of these vaccine preventable communicable diseases. The protection of children from communicable disease must not be jeopardized.

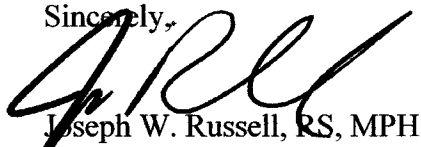
This is not the first time that religious exemptions in day care have been requested:

- 1995 HB 134 Bill Defeated
- 1997 HB 128 Bill Defeated
- 1999 HB 415 Bill Defeated

This is not an issue of religious freedom; this is an issue of the health and safety of our children.

Thank you for your service to our state and consideration of these comments. Should you need additional information, I can be reached at (406) 751-8101 or jrussell@co.flathead.mt.us.

Sincerely,



Joseph W. Russell, RS, MPH
Public Health Officer

CC: Members, House Education Committee